

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13782 of the Broadmoor Cooperative Apartments, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Sub-section 3105.3) to use part of the first floor as doctor's offices in an R-5-C District at the premises 3601 Connecticut Avenue, N.W., (Square 2226, Lot 800).

HEARING DATE: July 14, 1982

DECISION DATE: July 14, 1982 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located at the northeast corner of the intersection of Connecticut Avenue and Quebec Street and is known as premises 3601 Connecticut Avenue, N.W. It is in an R-5-C District.

2. The site is developed with a nine story brick apartment building, driveway and garage. The building is known as the Broadmoor Cooperative Apartments, Inc. Certificate of Occupancy No. B-91598, was issued on November 20, 1974 for the use of the site as an apartment building of 194 units.

3. North of the site there is an apartment house in the R-5-C District followed by Melvin C. Hazen Park. East of the site is an apartment house and the Melvin C. Hazen Park in the R-5-C District. South of the site across Quebec Street is C-2-A developed property. Across Connecticut Avenue to the west are apartment houses in the R-5-C District.

4. The building itself was constructed as an apartment hotel in 1929. The upper eight floors contain 194 apartments, mostly efficiencies, one and two bedroom units. The ground floor is used by the Cooperative for common purposes and includes the lobby, apartments for the resident manager and engineer, the offices of the Cooperative, storage, hobby and utility rooms. Also located on the ground floor are the dining room, beauty shop and valet. These three facilities are leased by the Cooperative to private operators. All three provide desired services to residents in accordance with their leases.

5. The Cooperative is seeking a variance to convert to use as medical offices up to 3700 square feet of ground

floor space. The space is located in the west-wing of the building on the north side of the corridor which connects the Connecticut Avenue side entrance with the main lobby. Also located on this corridor are the valet, the beauty shop, the manager's apartment and various storage and utility rooms.

6. The subject space was used as living quarters for military personnel during World War II and is subdivided into an interior corridor and approximately a dozen rooms. Since the creation of the Cooperative in the late 1940's, these rooms have been used as hobby and storage rooms by individual residents who have leased them from the Cooperative. One room is used as an employee's lounge for employees of the beauty shop, another as a room for Broadmoor employees to change in.

7. Since the Broadmoor opened as an apartment hotel in 1929, it has had the same resident physician, Dr. Elizabeth Chickering. Dr. Chickering practices out of an office in her apartment, which is located directly above part of the space proposed for conversion. A representative of the applicant testified that her presence in the Broadmoor for the past fifty-two years has proven extremely valuable to its residents, many of whom are now elderly and without automobiles.

8. Dr. Chickering is gradually reducing her practice and has indicated a desire not to take on further patients. At the same time, the Cooperative would like to continue the availability of medical services on the premises in the future. Dr. Chickering resides on the premises in a two bedroom unit. One of the bedrooms is used as her medical office. Her present practice is in compliance with the Zoning Regulations. While the Cooperative would prefer to have another doctor or doctors residing on the premises, this may well not be possible. In any case, for security reasons, the Cooperative would prefer to locate such offices on the ground floor rather than on the residential floors in the future. Accordingly, the Cooperative is seeking a variance from the residential zoning requirement that permits medical offices only in connection with a physician's residence. It is its intention to convert the now under-utilized space on the ground floor into a medical suite or suites.

9. The applicant testified that the subject space is ideally situated for medical offices. It is located one-block from the Cleveland Park Metro Stop and on the Connecticut Avenue and Porter Street bus lines. Ample visitor/guest parking facilities, eighteen spaces, are available in the Broadmoor Garage, which is directly accessible to the west-wing corridor without employees or patients having to traverse residential areas. It is also

adjacent to the loading dock and Connecticut Avenue side entrance.

10. The subject space has not been renovated for roughly forty years and is in need of substantial rehabilitation. Plans for renovation include the relocation of low-hanging pipes and the removal of existing partitions. It is on ground-level and well-lighted with twenty-two windows. It can be readily outfitted with necessary plumbing and amply lighted and heated. It is sufficiently segregated from the main residential areas of the building so as to minimize interference in the daily lives of residents.

11. The R-5-C District is a general residence zone which permits all types of urban residential development provided they conform with the required height, density, and area requirements. A doctor's office is permitted in the R Districts, subject to certain specified conditions, if the doctor lives on the premises. Doctors offices, where the doctor does not live on the premises are not permitted in the R Districts. A doctor's office is first permitted by special exception in the SP-1 District, and as a matter-of-right in the C-1 District. A clinic for humans, however, would be a permitted use as a matter-of-right in the R-5-C District.

12. The Office of Planning and Development, by report dated July 9, 1982, recommended that the application be denied. The OPD was of the opinion that this variance if approved will substantially impair the intent of the R-5-C use provisions which prohibits doctors offices except as specified in Finding No. 11. The applicant did not identify any uniqueness in the subject property as specified in Paragraph 8207.11 which would persuade OPD that there would be an undue hardship on the owner of the property if this variance were denied. The previous use of the space proposed for the doctors' offices and its present size and physical characteristics suggested to OPD that it can be used in accordance with the R-5-C District provisions. The Board concurs with the findings and recommendation of the OPD.

13. A representative of the applicant, at the public hearing, agreed that a clinic for humans might be an appropriate use of the space and suggested that it would follow through with the office of the Zoning Administrator.

14. There was no opposition to the application

15. Advisory Neighborhood Commission 3F made no recommendation on the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record the Board concludes that the applicant is seeking a use variance the granting of which requires proof of a hardship that is inherent in the property itself. The Board concludes that the hardship does not exist. The subject space has been used in the past for residential uses and those uses supportive of the basic residential use of the building purpose for which it is zoned. The space is still viable for a residential use. The applicant's hardship is based on a convenience for some of the residents of the building. However laudatory that might be, such a reason is not grounds on which to grant a use variance. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 5-0 (Lindsley Williams, Connie Fortune, William F. McIntosh, Douglas J. Patton and Charles R. Norris to deny).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: DEC - 8 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

13782order/KATHY5